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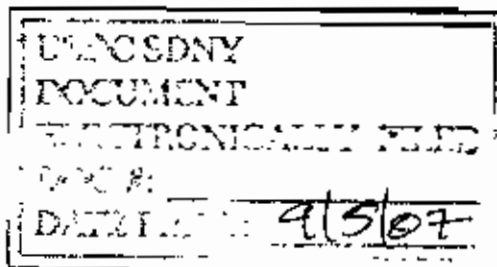
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August 31, 2007

VIA FACSIMILE

The Honorable Naomi Reice Buchwald
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
Room 2270
New York, NY 10007



RE: Capital Beverage Corp. v. Oak Beverages, Inc., et al. - No. 07 Civ. 6063 (NRB)

Dear Judge Buchwald:

On behalf of our client, Capital Beverage Corporation, we write respectfully to request an adjournment of the initial pretrial conference that the Court originally scheduled for Wednesday, September 12, 2007 at 2:45PM. This is the parties' first request for adjournment in this matter.

The date of the pretrial conference falls on the Rosh Hashanah holiday, which begins at sundown on September 12, and poses a scheduling conflict for counsel for both parties. We have conferred with Defendants' counsel of record at the law firms of Ettelman & Hochheiser and Dealy & Silberstein, and they have both consented to this request for adjournment.

We respectfully suggest the following alternative dates: Thursday, September 27; Wednesday, October 3; Thursday, October 4; Tuesday, October 9; or Wednesday, October 10.

Thank you for your consideration of this request.

Respectfully submitted,

Martin S. Siegel

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cc. Counsel of Record

The conference
is adjourned
until 2:15pm
on October 10,
2007.

So Ordered.

King
Dealy
9/4/07